



STATE OF ARIZONA
OFFICE OF THE GOVERNOR

DOUGLAS A. DUCEY
GOVERNOR

EXECUTIVE OFFICE

March 29, 2018

The Honorable Michele Reagan
Secretary of State
1700 W. Washington, 7th Floor
Phoenix, AZ 85007

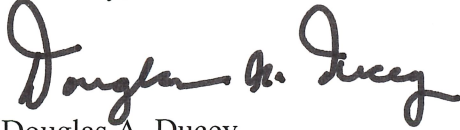
Dear Secretary Reagan:

I am transmitting to you the following bills from the Fifty-third Legislature, 2nd Regular Session, which I signed on March 29, 2018:

HB 2035 deferred compensation plans; governing committee (Livingston)
HB 2156 legislative vacancy; appointment; time frame (Coleman)
HB 2196 certificates of necessity; hearings; duration (Carter)
HB 2242 fire districts; revisions; county islands (Farnsworth, E.)
HB 2258 diabetes; annual report (Carter)
HB 2412 leave of absence; day; definition (Shope)
HB 2477 high school mathematics; proficiency; notification (Udall)
HB 2505 converted entities; claims (Cobb)
HB 2513 hyperbaric oxygen therapy; veterans; fund (Finchem)
HB 2536 dual enrollment; homeschooled children (Bowers)
SB 1073 orthotics; prosthetic devices; valid prescription (Brophy McGee)
SB 1111 workers' compensation; opioids; dispensed medications (Fann)
SB 1204 trusts and estates (Worsley)
SB 1253 game and fish; licenses; fees (Griffin)
SB 1294 tax corrections act of 2018 (Farnsworth, D.)
SB 1401 ignition interlock device; installer; manufacturer (Worsley)
SB 1405 corporate income tax allocation; sales (Fann)
SB 1422 universities; tuition and fees (Griffin)

SB 1499 community facilities districts; directors (Smith)
SB 1502 ignition interlock device; incarceration credits (Smith)
SB 1518 department of child safety; reports (Brophy McGee)

Sincerely,

A handwritten signature in black ink, reading "Douglas A. Ducey". The signature is fluid and cursive, with the first name "Douglas" being the most prominent.

Douglas A. Ducey
Governor
State of Arizona

cc: Senate Secretary
Chief Clerk of the House of Representatives
Arizona News Service

Senate Engrossed

FILED

MICHELE REAGAN
SECRETARY OF STATE

State of Arizona
Senate
Fifty-third Legislature
Second Regular Session
2018

CHAPTER 100
SENATE BILL 1073

AN ACT

AMENDING SECTION 36-2411, ARIZONA REVISED STATUTES; RELATING TO ORTHOTIC
AND PROSTHETIC DEVICE STANDARDS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 36-2411, Arizona Revised Statutes, is amended to read:

36-2411. Custom orthotic and custom prosthetic devices; requirements; definition

A. Beginning January 1, 2018, a custom orthotic or custom prosthetic device furnished to an individual shall meet all of the following requirements:

1. Except for a custom orthotic or custom prosthetic device provided by a health care provider who is licensed pursuant to title 32, chapter 7, 13, 17, 19, 25 or 34, be provided by a fabricator or supplier that is accredited by an independent accreditation organization approved by the secretary of the United States department of health and human services pursuant to 42 United States Code section 1395m(a)(20)(B) and the regulations promulgated thereunder.

2. Be provided by a health care provider that is a qualified practitioner as defined in 42 United States Code section 1395m(h)(1)(F) or is licensed pursuant to title 32, chapter 7, 13, 17, 19, 25 or 34.

3. ~~Have~~ BE THE SUBJECT OF a valid prescription for the custom orthotic or custom prosthetic device.

B. Except for a custom orthotic or custom prosthetic device provided by a health care provider who is licensed pursuant to title 32, chapter 7, 13, 17, 19, 25 or 34, a health care provider that does not receive insurance payment for a custom orthotic or custom prosthetic device because the custom orthotic or custom prosthetic device or the provider does not meet the requirements of subsection A of this section may not attempt to collect payment or reimbursement for the amount of the coverage denial for the custom orthotic or custom prosthetic device from the patient. This subsection applies only if the coverage denial is strictly based on the custom orthotic or custom prosthetic device or the provider not meeting the requirements of subsection A of this section.

C. This section does not:

1. Require a health care provider to accept medicare patients.

2. RESTRICT THE ABILITY OF A LICENSED HEALTH CARE PROVIDER TO ISSUE A VALID PRESCRIPTION FOR A CUSTOM ORTHOTIC OR CUSTOM PROSTHETIC DEVICE PURSUANT TO THE APPLICABLE STATE LAW PROVIDED THAT THE CUSTOM ORTHOTIC OR CUSTOM PROSTHETIC DEVICE IS MOLDED, FABRICATED AND FITTED BY A PROVIDER PURSUANT TO SUBSECTION A OF THIS SECTION.

3. PREVENT A LICENSED HEALTH CARE PROVIDER, THAT DOES NOT MEET THE REQUIREMENTS IN SUBSECTION A OF THIS SECTION, FROM ENGAGING IN THE PROFESSION OR OCCUPATION FOR WHICH THE HEALTH CARE PROVIDER IS LICENSED, PROVIDED THAT THE LICENSED HEALTH CARE PROVIDER DOES NOT BILL OR OTHERWISE RECEIVE INSURANCE PAYMENT OR COLLECT REIMBURSEMENT FROM A PATIENT FOR THE CUSTOM ORTHOTIC OR CUSTOM PROSTHETIC DEVICE.

1 D. For the purposes of this section, "custom orthotic or custom
2 prosthetic device" means an orthotic or prosthetic device that is
3 individually fabricated for a patient over a positive mold, a tracing or a
4 scan of the patient. Custom orthotic or custom prosthetic device does not
5 include shoes and shoe inserts, a dental device, a hearing-related device
6 or the replacement of all or part of an internal body organ.

APPROVED BY THE GOVERNOR MARCH 29, 2018

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 29, 2018

Passed the House March 27, 2018,

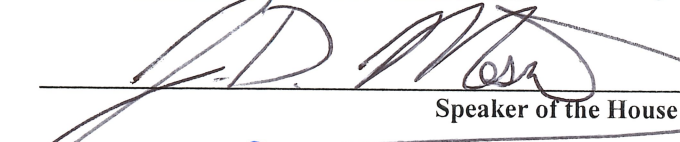
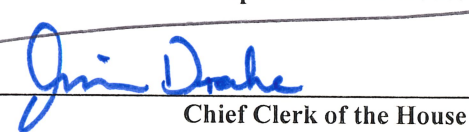
Passed the Senate February 22, 2018,

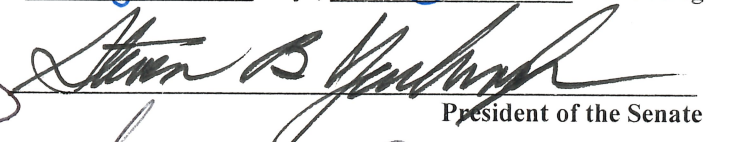
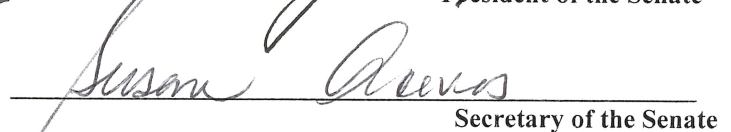
by the following vote: 58 Ayes,

by the following vote: 30 Ayes,

0 Nays, 2 Not Voting

0 Nays, 0 Not Voting


Speaker of the House

Chief Clerk of the House

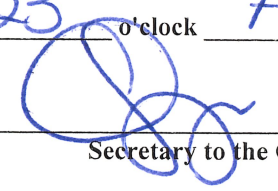

President of the Senate

Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

28th day of March, 2018,

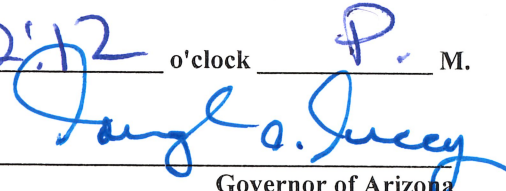
at 10:23 o'clock A. M.


Secretary to the Governor

Approved this 29th day of

March, 2018,

at 12:12 o'clock P. M.

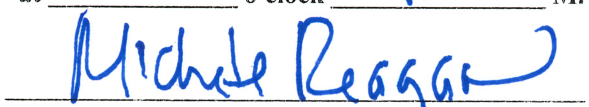

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 29 day of March, 2018,

at 3:04 o'clock P. M.


Secretary of State

S.B. 1073